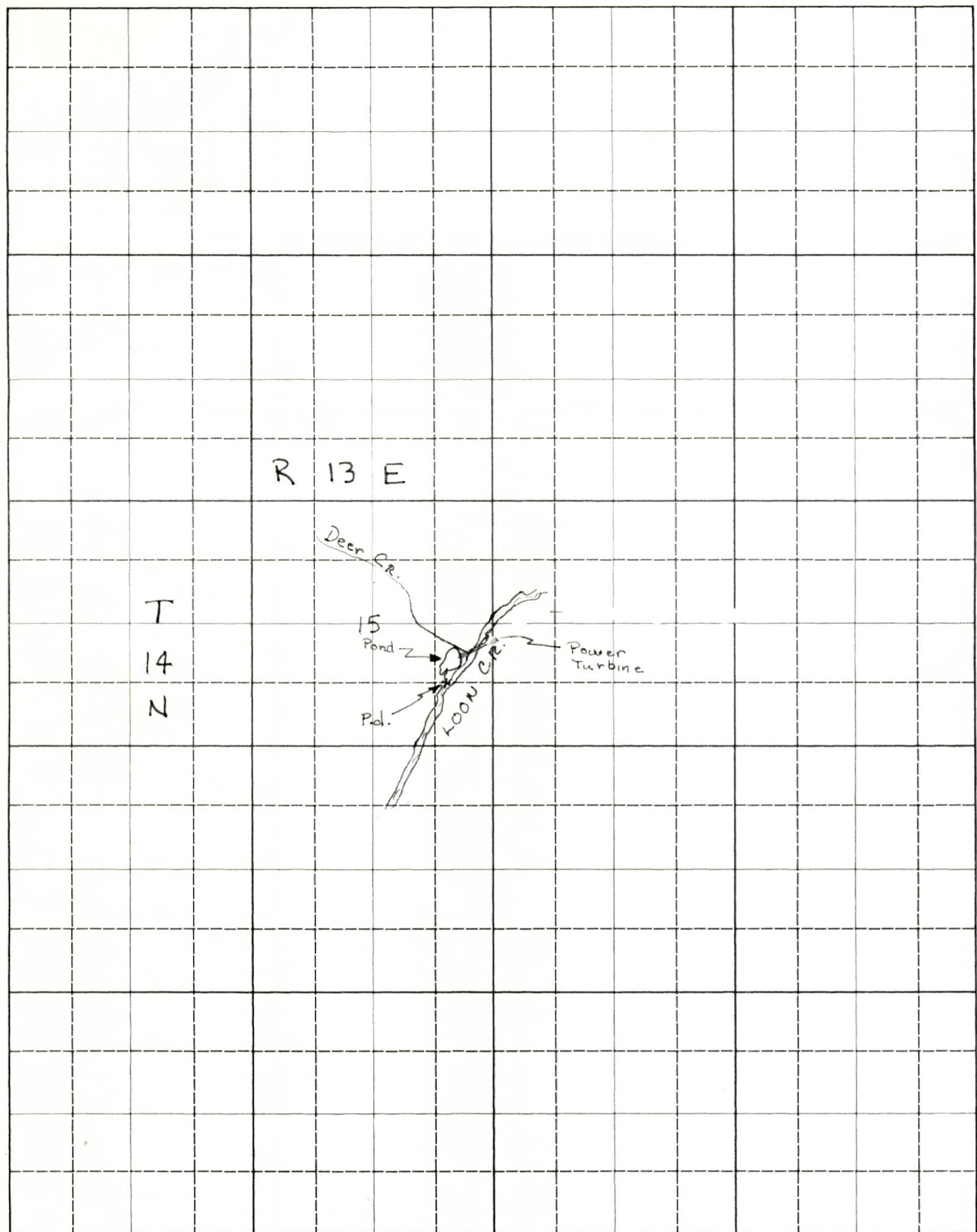


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Diamond B Ranch, Inc
(Applicant)
by Thomas C Demarest - Pres.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS
Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated AUG 30,
1979 and ending with the issue
dated SEPT 6, 1979.

Margaret Parks
Subscribed and sworn to before
me this 6 day of September,
1979.

Nandha M. James
Notary Public, residing at Challis,
Idaho. My commission expires on
April 30, 1983.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the
following application has been
submitted to appropriate the public
waters of the State of Idaho:

77-7080

DIAMOND D. RANCH, INC.

P.O. BOX 1, CLAYTON, ID 83227

Source: LOON CREEK tributary to

SALMON RIVER, MIDDLE FORK

DEER CREEK tributary to

SALMON RIVER, MIDDLE FORK

Date Filed: 08/21/1979

Amount: 7.00 CFS 25.0 AC-FT

Diversion Point: NESE Sec 15 T 14N

R 13E, CUSTER Co.

Use: POWER (7.00 CFS) from 01/01
to 12/31

DIVERSION TO STORAGE (7.00
CFS) from 10/15 to 05/01

RECREATION STORAGE (25.0
AC-FT) from 01/01 to 12/31

Place of Use: NESE SESE Sec 15 T
14N R 13E

Diversion Means: CONCRETE
HEADGATE INTO OPEN DITCH.

If issued, the permit will be subject
to all prior water rights. Protests
against the granting of any permit
must be filed with the Director of the
Idaho Department of Water
Resources, 92 S. Cole Road, Boise,
Idaho 83709 on or before SEPTEMBER
17, 1979.

C. STEPHEN ALLRED

Director

Pub. 8/30 & 9/6/79.

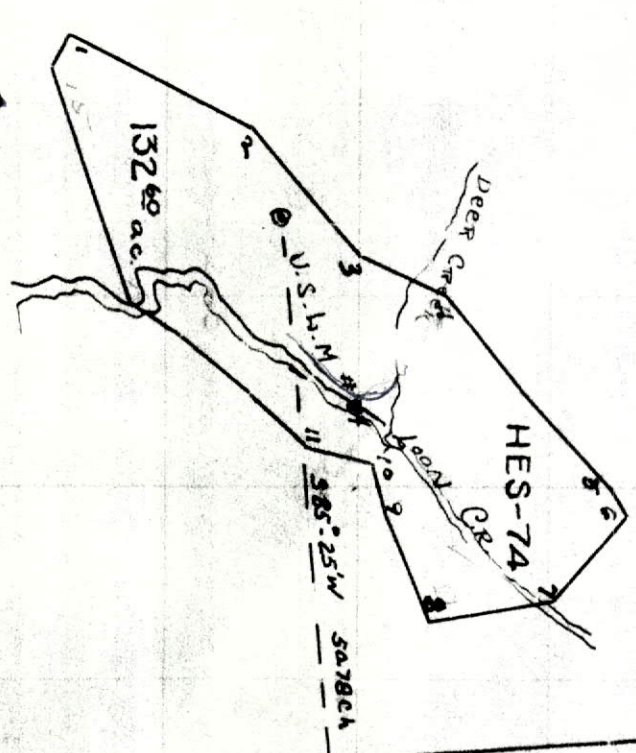
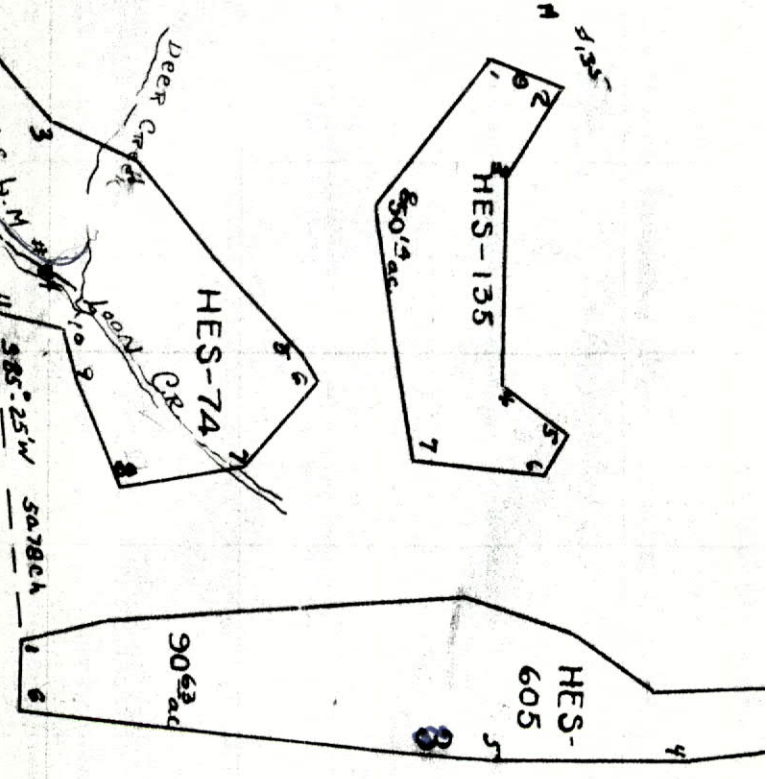
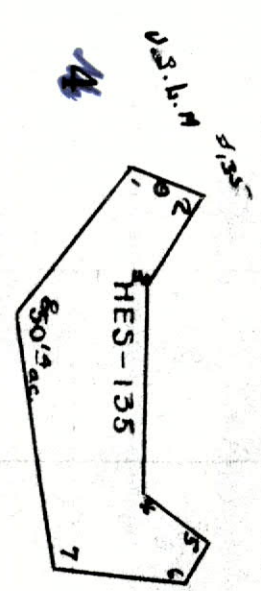
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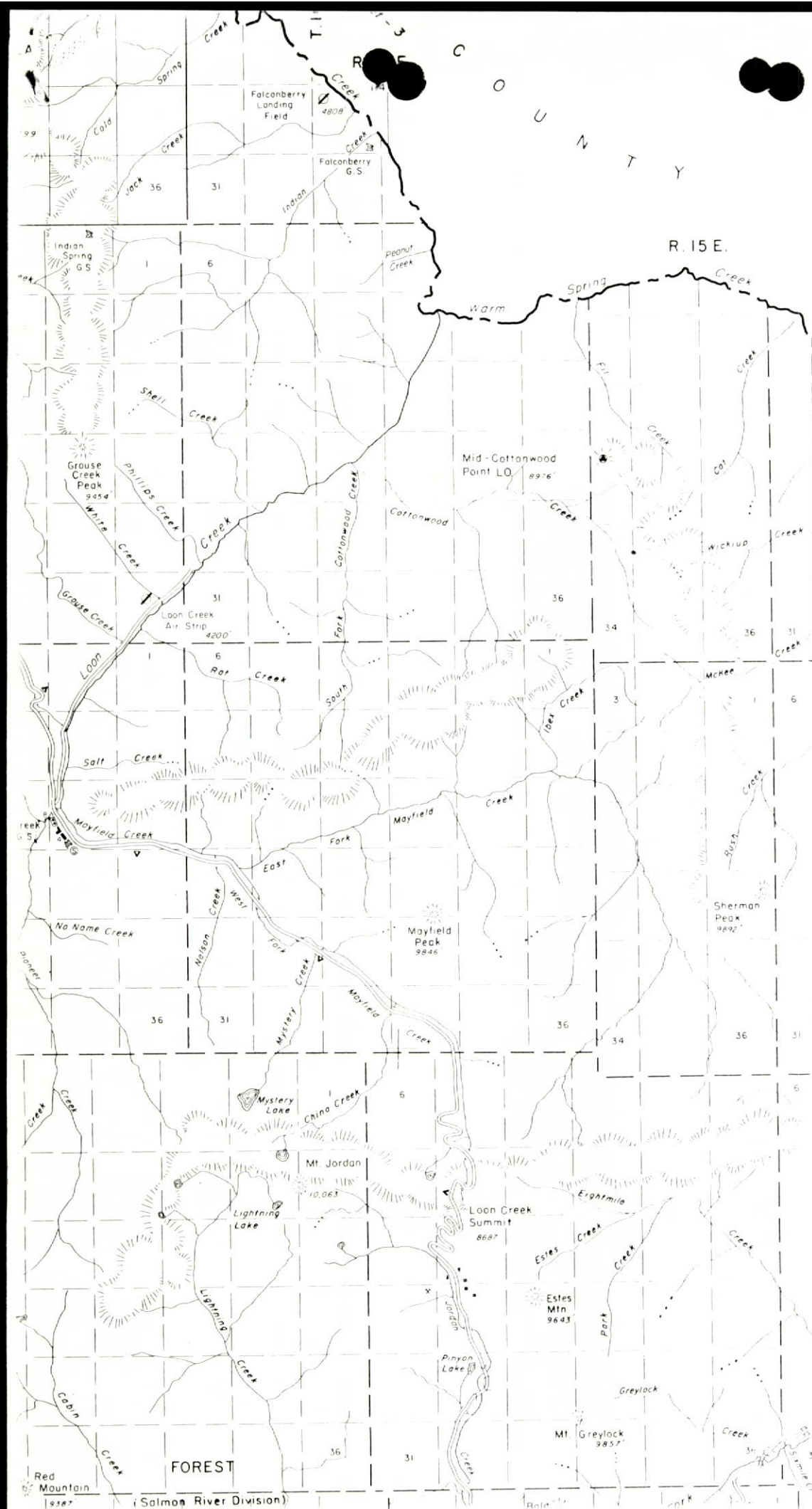
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KIC
9/18/79

RECEIVED
SEP 10 1979

Department of Water Resources
Western Regional Office

To be
 30-140
 24-107
 85-
 A. Demores
 MICROFILMED





T. 15N.
T. 14N.
T. 13N.

C O C O U N T Y
C O C O U N T Y
C O C O U N T Y

SHEET - 2



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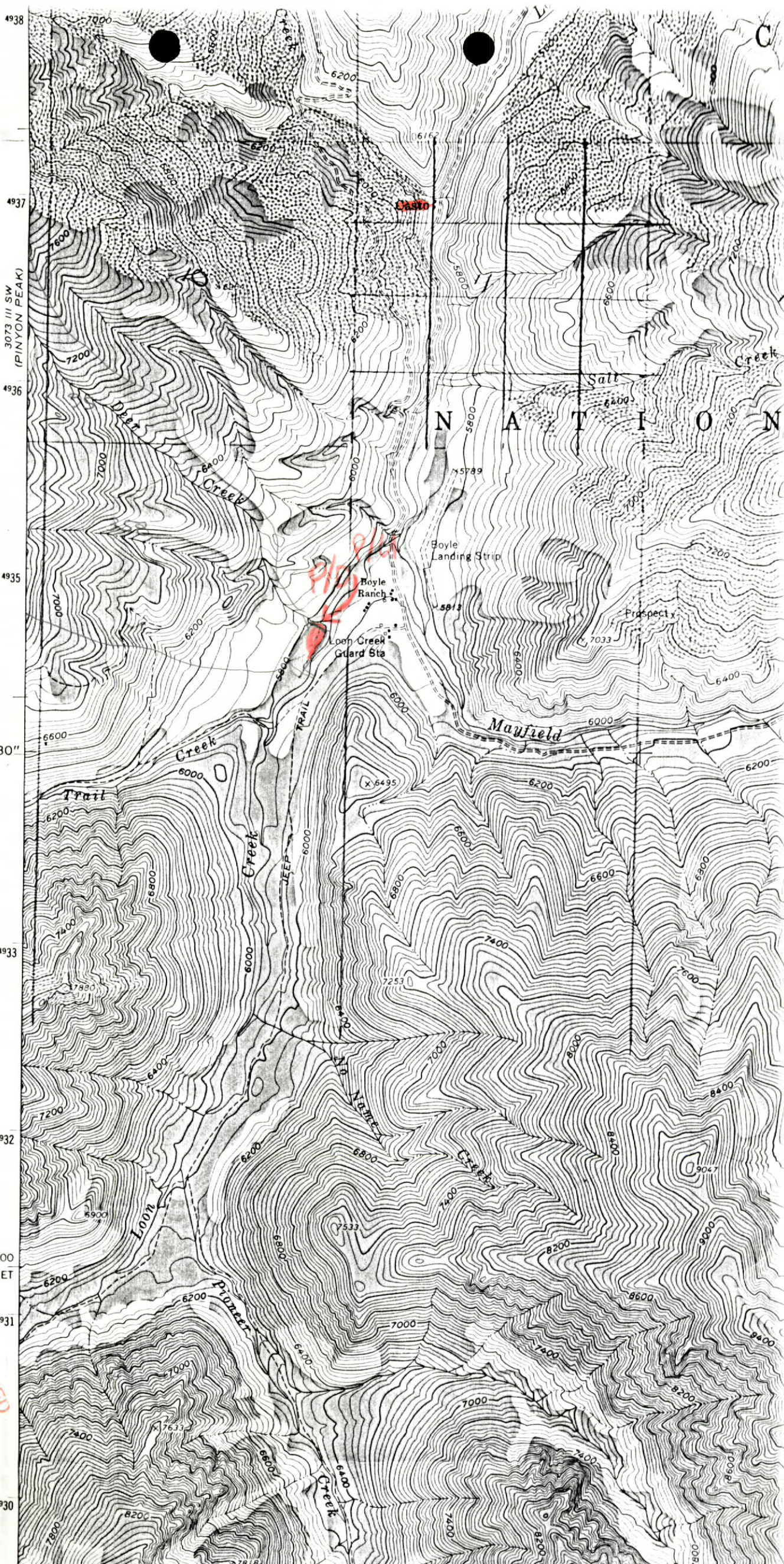


MICROFILMED

STATE HIGHWAY SY
FEDERAL-AID SYS
LOCAL ROADS SY
CITY AND/OR URBAN
OTHER

POLY

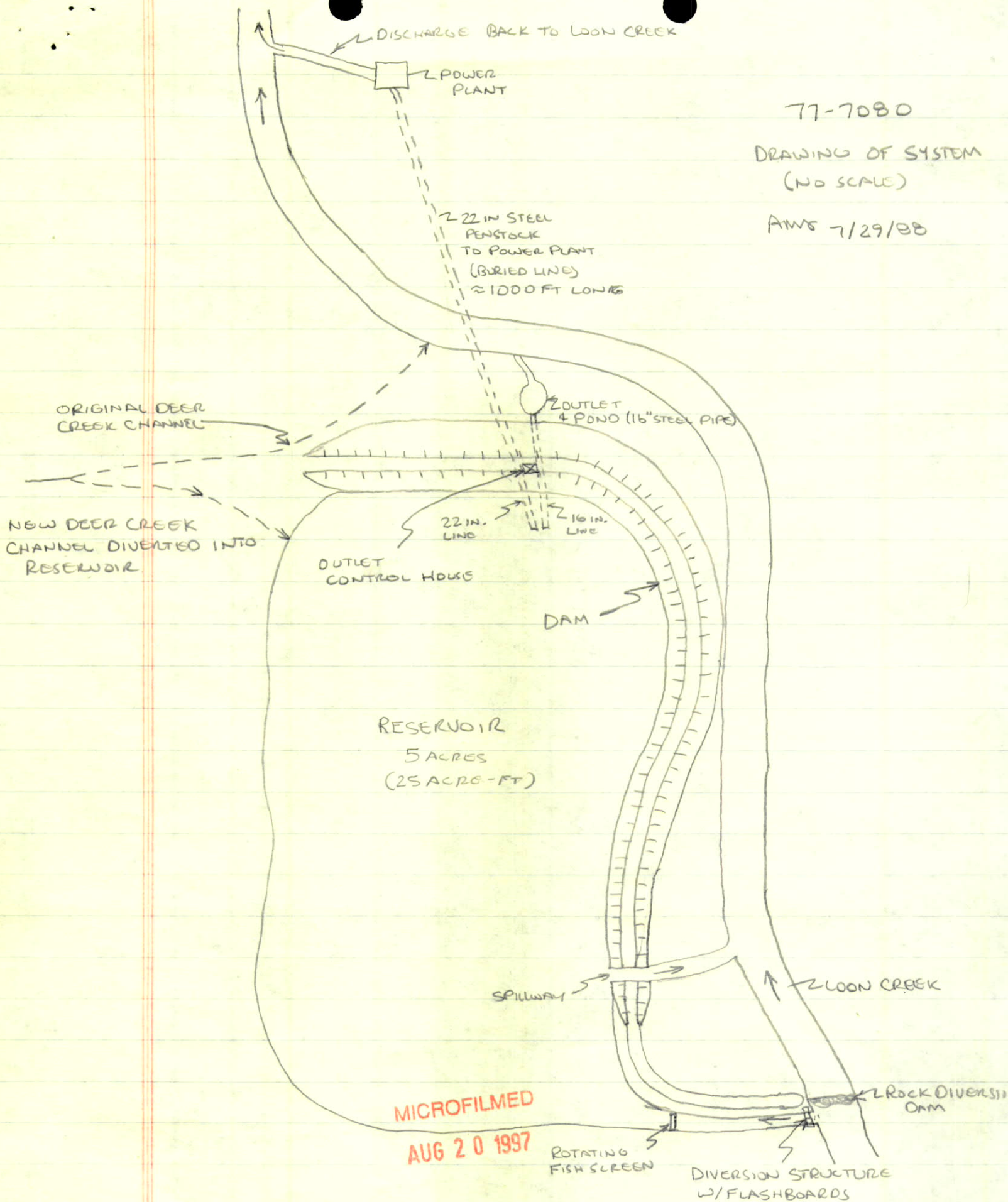
GENERAL



map
T-70

T-14 N - R-13 E

Dec 15 1995 20 1997
MICROFILMED
NESE



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 77-07080

Priority: August 20, 1979

Maximum Diversion Rate:

7.00 CFS

Maximum Diversion Volume:

5083.9 AF

This is to certify, that DIAMOND D RANCH PARTNERSHIP

PO BOX 1

CLAYTON ID 83227

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 20, 1979; and has submitted Proof of Beneficial Use on August 28, 1984. An examination indicates that the works have a diversion capacity of 20.740 cfs of water from:

LOON CREEK

tributary to SALMON RIVER, MIDDLE FORK

DEER CREEK

tributary to LOON CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	7.00 CFS	5058.9 AF
RECREATION STORAGE	01/01 to 12/31		25.0 AF
DIVERSION TO STORAGE	10/15 to 05/01	7.00 CFS	
	Totals	7.00 CFS	5083.9 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE, Sec. 15, Township 14N, Range 13E

SESE, Sec. 15, Township 14N, Range 13E

CUSTER County

PLACE OF USE: POWER

TWN RGE SEC

14N 13E 15

NESE

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

AUG 20 1997

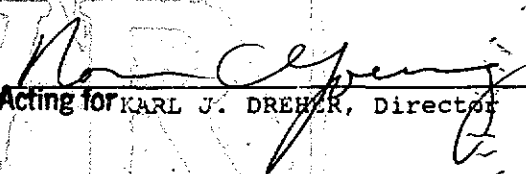
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 77-07080

CONDITIONS OF APPROVAL AND REMARKS

5. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 1, 2004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
8. Recreation storage is for fishing and boating.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 6TH
day of MAY, 1997.


Acting for KARL J. DREHER, DirectorMICROFILMED
AUG 20 1997

RECEIVED

APR 22 1997

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT(For Licensing Purposes)
WATER RIGHT NO. 77-07080

Date of Priority: August 20, 1979

Maximum Diversion Rate: 7.00 CFS

Maximum Diversion Volume: 5083.9 AF

Comes now
PO BOX 1
CLAYTON ID 83227

DIAMOND D RANCH PARTNERSHIP

and represents to the Director of the

Idaho Department of Water Resources.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 77-07080, and requests that the permit be changed as follows:

Source: LOON CREEK
Source: DEER CREEKtributary to SALMON RIVER, MIDDLE FORK
tributary to LOON CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	7.00 CFS	5058.9 AF
RECREATION STORAGE	01/01 to 12/31		25.0 AF
DIVERSION TO STORAGE	10/15 to 05/01	7.00 CFS	
	Totals	7.00 CFS	5083.9 AF

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 15, Township 14N, Range 13E
SESE , Sec. 15, Township 14N, Range 13E
CUSTER CountyPLACE OF USE: POWERTWN RGE SEC

14N 13E 15

NESE

SESE

MICROFILMED
AUG 20 1997

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, Id., this 18 day of April, 1997.Thomas C. Demarest
(Signature)
General Partner

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 77-07080

FOR DEPARTMENT USE ONLY

Preliminary check by Ket Fee = \$5.00 Received by Ket # C038698 Date 7-23-97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 77-07080 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 1, 2004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
8. Recreation storage is for fishing and boating.

— ישיבת ישיבה

AUG 20 1997

REFERENCES

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 77-07080

Witness my hand this 16TH day of MAY, 1997.


Acting for **KARL J. DREHER, Director**

MICROFILMED

AUG 20 1997

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Orginial Permit	77-7080	Diamond D Ranch, Inc.	7.0 cfs
Full Assignment	77-7080	Diamond D Ranch Partnership	7.0 cfs

MICROFILMED

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, Diamond D Ranch, Inc., hereby assign to Diamond D Ranch Partnership
of P.O. Box 1, Clayton, ID 83227
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 77-7080
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 20 day of May, 19 83.

Diamond D Ranch, Inc
Permit Holder
by Thomas A Demorent, Pres.

Spouse of Permit Holder

State of Idaho)
County of Gem) ss.

On this 20 day of May, 19 83, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.



My commission expires:
lifetime

[Signature]
Notary Public residing at
lifetime

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM David Shaw

DATE 5/20/83

TO 77-7080

SUBJECT Assignment

According to Mr. Demorest this filing was in error and should have been in the partnership name instead of the corporation name. Mr. Demorest is the president of the corporation and major partner of the partnership. The power is used on their guest ranch, none is sold. The generator is in operation.

MICROFILMED

DSS

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Diamond D Ranch, Inc. Phone N/A
Post office address P.O. Box 1, Clayton, ID 83227
2. Source of water supply Loon Creek & Deer Creek which is a tributary of Middle Fork Salmon
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15 Township 14N
Range 13E B.M. Custer County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 7.0 cfs for Power purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 7.0 cfs for Diversion to storage for recreation purposes from Oct. 15 to May 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 25 for storage for recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 7.0 cubic feet per second and/or b. 25 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Concrete headgate from Loon Creek into open ditch.

b. Height of Levee ~~storage dam~~ 19.5 feet, active reservoir capacity 25 acre-feet; total reservoir capacity 25 acre-feet, materials used in storage dam: Earth

Period of year when water will be diverted to storage Oct. 15 to May 1 inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15 Township 14N
Range 13E B.M.

(2) Amount of power to be generated: 30kw horsepower under 25 feet of head.

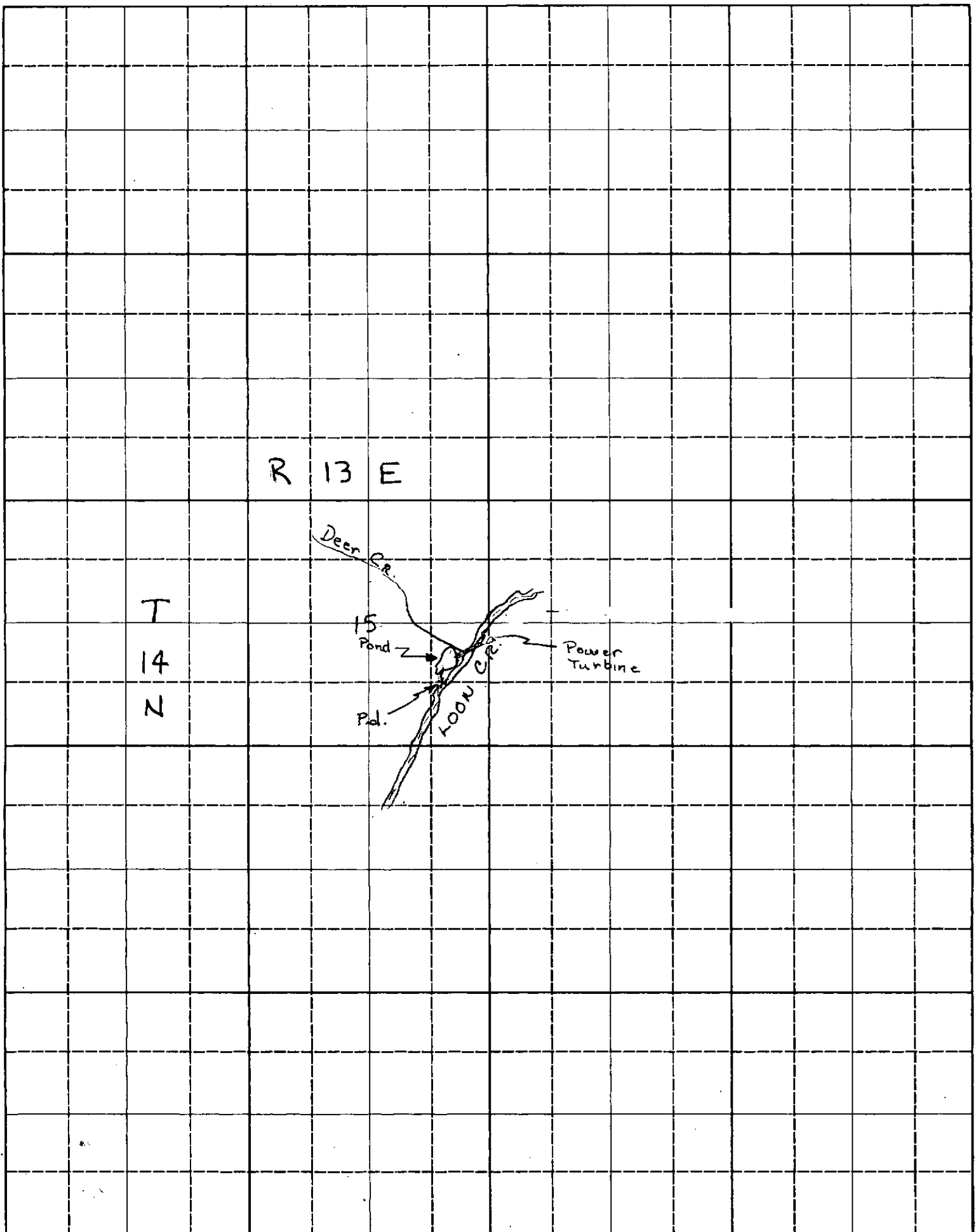
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Recreation pond will be stocked with fish for guest and misc. boating activities.

RECORDED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Diamond S Ranch, Inc
(Applicant)
by Thomas A Demarest - Pres.

Proposed Priority 8/20/79

Received by kw J.S. Date 8/20/79 Time 3:45 pm
10:00 A.M.

Preliminary check by J.S. Fee \$ 95.00

Received by kw Date 8/21/79 #14520

Publication prepared by kw Date 8/23/79

Published in The Challis Messenger

Publication dates 8/30/79 & 9/6/79

Publication approved KL Date 9/18/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS Jim

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 77-7080, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage

Witness my hand this 19th day of September, 19 79.

A. Glen Saylor
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated AUG 30,
1979 and ending with the issue
dated SEPT 6, 1979.

Margaret Parks

Subscribed and sworn to before
me this 6 day of September,
1979.

Gladys M. James
Notary Public, residing at Challis,
Idaho. My commission expires on

April 30, 1983



NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the
following application has been
submitted to appropriate the public
waters of the State of Idaho:

77-7080

DIAMOND D. RANCH, INC.

P.O. BOX 1, CLAYTON, ID 83227

Source: LOON CREEK tributary to
SALMON RIVER, MIDDLE FORK

DEER CREEK tributary to
SALMON RIVER, MIDDLE FORK

Date Filed: 08/21/1979

Amount: 7.00 CFS 25.0 AC-FT

Diversion Point: NESE Sec 15 T 14N
R 13E, CUSTER Co.

Use: POWER (7.00 CFS) from 01/01
to 12/31

DIVERSION TO STORAGE (7.00
CFS) from 10/15 to 05/01

RECREATION STORAGE (25.0
AC-FT) from 01/01 to 12/31

Place of Use: NESE SESE Sec 15 T
14N R 13E

Diversion Means: CONCRETE
HEADGATE INTO OPEN DITCH.

If issued, the permit will be subject
to all prior water rights. Protests
against the granting of any permit
must be filed with the Director of the
Idaho Department of Water
Resources, 92 S. Cole Road, Boise,
Idaho 83709 on or before SEPTEMBER
17, 1979.

C. STEPHEN ALLRED

Director

Pub. 8/30 & 9/6/79.

□□□

OK
KIK
9/18/79

RECEIVED

SEP 10 1979

Department of Water Resources
Western Regional Office

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, _____ of _____, County of _____, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____

Notary Public
Residence _____

My Commission Expires _____

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, Thomas A. Demorest of Diamond D Ranch, Inc. Clayton, Idaho, County of Custer, State of Idaho, being first duly sworn, depose and say: That I am the designated statutory agent of the Diamond D Ranch, Inc., that as such I am in charge of the registered office of the said Diamond D Ranch, Inc., as provided by Section 30-143, Idaho Code, at Boise, Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that Diamond D Ranch is a legal Corp.

qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ Thomas A. Demorest

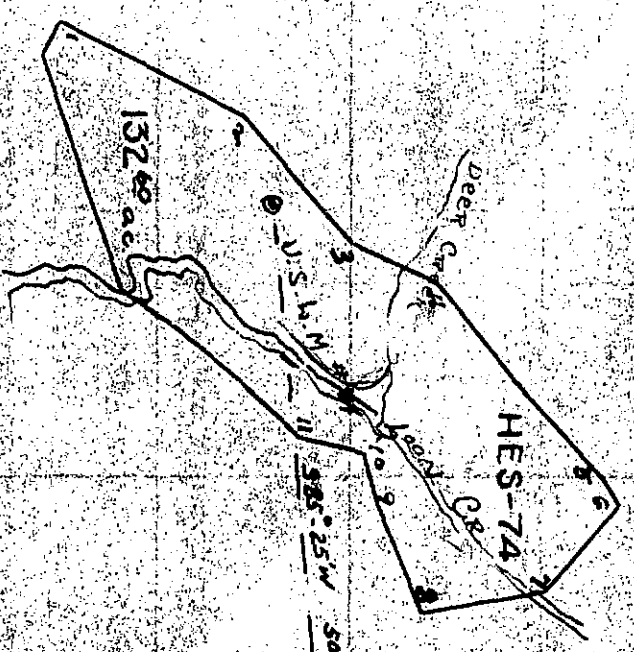
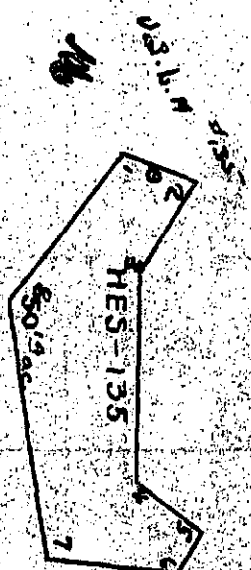
Subscribed and sworn to before me this 20 day of August, 1979

/s/ David R. Tuttle Jr.

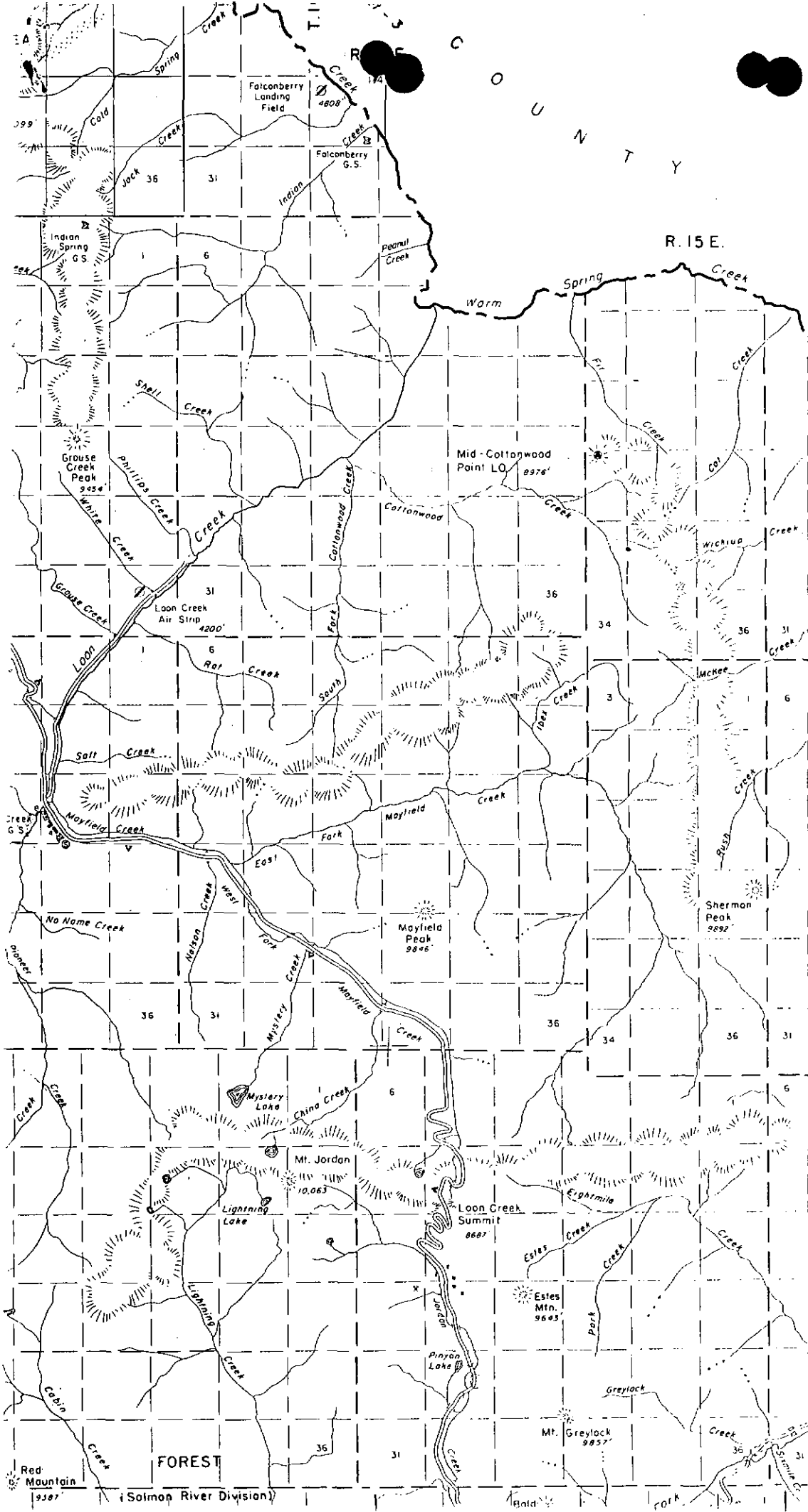
Notary Public
Residence Boise Id

My Commission Expires Sept 10, 1980





DEFINITION DEMONSTRATION
 30-140
 30-150
 30-160
 30-170



T. 15 N.
T. 14 N.
T. 13 N.

R. 15 E.

MATCH LINE
Sheet - 2



- Cattle
- Cow
- Town
- Unimproved
- Unimproved
- Match
- Forest
- Prime
- Comp
- Picnic
- Guard
- Museum
- Prom
- Farm
- Dwell
- Seas
- Cem
- Mine
- Mot
- Lot
- Long
- Bus
- Tric
- Mon
- Hel



MICROFILMED

STATE HIGHWAY SY.
FEDERAL-AID SY.
LOCAL ROADS SY.
CITY and/or URBAN
OTHER

POLYCO.

GENERAL I

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 06/26/97
Time: 09:02:10

Water Right Number: 77-07080

Comment Date: 6/26/1997 User ID: CZIMMERM

Subject: ADDRESS UPDATE

Per telecon today with Tom Deorest, partner, the address listed
on the permit, PO Box 1, Clayton is no longer used.
The current address is: Diamond D Ranch Partnership
PO Box 1555
Boise ID 83701-1555

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

MICROFILMED

JUG 20 1997

5-13-97

Receipt # CØ38698, original letter
dated 5.5.97, certificate of mailing,
"hard" copy of water right and copy
of application for amendment
were mailed To WR Haeder
at PO Box 1555, Boise 83701-1555

MIC

AI

Kari Lynn

RECEIVED
MAY 12 1997
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

DIAMOO1

To

DIAMOND D RANCH PARTNERSHIP
P O BOX 1
CLAYTON ID 83227

DIAMOO1 832273004 1C95 05/09/97
FORWARD TIME EXP RTN TO SEND
DIAMOND D ST 02
PO BOX 1555
BOISE ID 83701-1555

RETURN TO SENDER



400-0-11111

400-48-000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 7, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DIAMOND D RANCH PARTNERSHIP
PO BOX 1
CLAYTON ID 83227

RE: WATER RIGHT NO. 77-07080

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

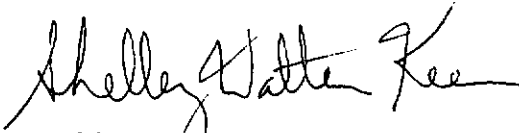
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

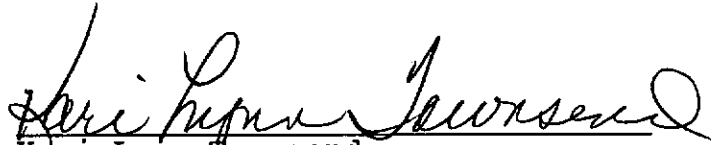
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of May, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 77-07080

DIAMOND D RANCH PARTNERSHIP
PO BOX 1
CLAYTON ID 83227

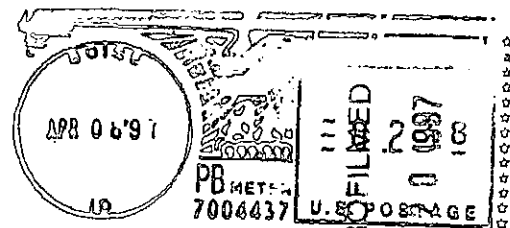

Kari Lynn Townsend
Secretary

MICROFILMED

AUG 20 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

PRIORITY
FIRST CLASS



RECEIVED
APR 14 1997

DIAM001

Department of Water Resources

DIAM001 632273003 1C95 04/09/97
FORWARD TIME EXP RTN TO SEND
DIAMOND D ST 04
PO BOX 1555
BOISE ID 83701-1555

RETURN TO SENDER





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

April 7, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DIAMOND D RANCH PARTNERSHIP
P.O. BOX 1
CLAYTON ID 83227

PO Box 1555
Boise, ID 83701-0155

RE: WATER RIGHT NO. 77-07080

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED

AUG 20 1997

MEMORANDUM

TO: File 77-07080

FROM: Sharla

DATE: March 28, 1997

RE: Term of Years, Recommendation Adjustment(s)

I. RECOMMENDATIONS

Power	1/1 - 12/31	7.0 cfs	5058.9 afa
Recreation Storage	1/1 - 12/31		25.0 afa
Div. to Storage	1/1 - 12/31	7.0 cfs	n/a
	TOTALS	7.0 cfs	5083.9 afa

An annual volume is required for power use; the volume has been calculated on continuous flow.

Power use is for an individual power facility which does not require licensing from FERC. Since power is solely used by the right holder and is not sold, there is no power purchase contract. Therefore, the term of years to be listed on the license is not pre-determined by the above. As set forth in Section 42-203B(7), the term of years (once determined) is calculated as commencing at the time of the proof of beneficial use filing. Previously issued licenses falling in this category have had a term set for 10 years. In this case, proof was filed more than ten years ago. The term will be given an additional ten years, thus expiring September 1, 2004.

Examiner: Mike Stubblefield/Kelly Christensen

Exam Date: July 28, 1988

MICROFILMED

AUG 20 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 77-07080

DATE 3/20/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change OK

Is change clarification of originally intended source? NO

POINT OF DIV add SESE OK

If not, prepare Notice of Intent to Void NO

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate 7.0 cfs

Fee limit 7.0 cfs \$250⁰⁰

Measured 20.74 cfs based on 65 kw - generator rated @ 100 kw

Theoretical — cfs

Recommended Total Div Rate 7.0 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use

Power	Volume Calculation
<u>Rec Stor.</u>	<u>25.0</u> af
<u>Div to Stor</u>	<u>N/A</u> af
<u>—</u>	<u>—</u> af
<u>SUBTOTAL</u>	<u>5083.9</u> af

Flow rate 7.0 cfs X 365 days X 1.9835 = 5058.9 af

Total volume recommended — af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

Rec. Stor / fishing & boating
W42 (9/1/2004)

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

Overlap

Use-specific conditions R23, 025

Advancement of Priority Date Required yes no

SRBA Claim Filed —

Adjustment Memo volume term

1st Amend Letter —

2nd Amend Letter —

P37, P38
P42

RECEIVED

MAR 25 1993

STATE OF IDAHO
Department of Water Resources
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 77-7080

1. Owner: DIAMOND D. RANCH, INC.

Phone No. 313-773-5850 *

Current Address: P.O. BOX 1 CLAYTON, ID 83227

2. Accompanied by: FLOON GARDNER, CARETAKER

EXAM. DATE: 7/28/88

Address: SAME

Phone No. NONE

Relationship to Permit Holder: CARETAKER

* TOM DEMOREST - DETROIT, MICHIGAN

3. Source: LOON CREEK tributary to MID. FK SALMON RIVER
DEER CREEK " " LOON CREEK

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached

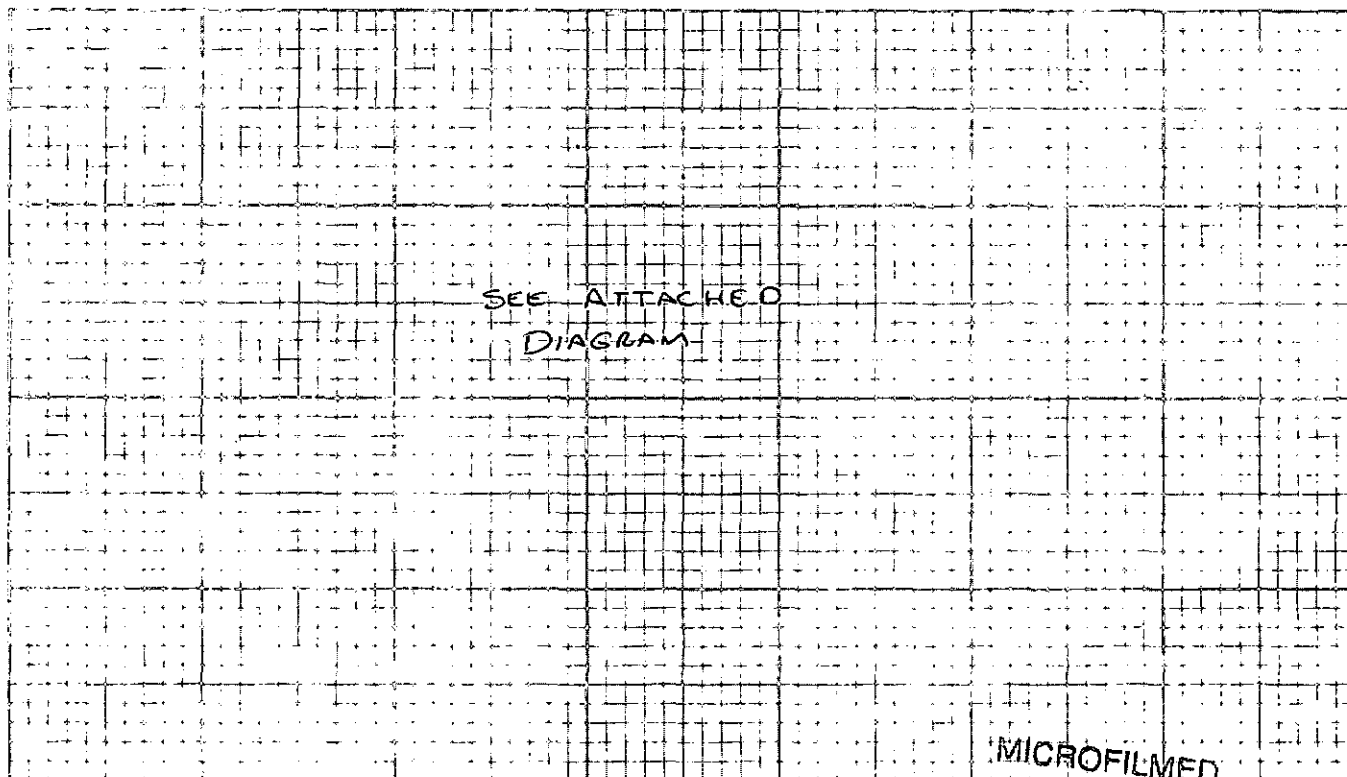
2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

AUG 20 1997

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

SYSTEM IS A RESERVOIR LOCATED AT THE JUNCTION OF DEER CREEK AND LOON CREEK. THE CHANNEL FOR DEER CREEK WAS ALTERED TO CATCH ALL OF DEER CREEK. A ROCK DIVERSION DAM DIVERTS WATER FROM LOON CREEK INTO THE RESERVOIR. A 22" LINE CARRIES WATER NORTH APPROX 1000 FT TO THE POWER PLANT (BURIED LINE). A 16" LINE BESIDE THE POWER LINE DISCHARGES WATER BACK INTO LOON CREEK. THE RESERVOIR COVERS 5 ACRES AND

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SE	15	14N	13E	CUSTER	UNSURVEYED AREA P/D
			SE	SE	15	14N	13E	CUSTER	LOCATION EST. FROM QUAD MAP

6. Place(s) of Use:

Indicate Method of Determination QUAD MAP

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	13E	15													P			P	

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AUG 20 1987

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

SEE ATTACHMENT FOR CALCULATIONS:

CFS REQUIRED FOR GENERATION OF 1.5 KW = 20.74 CFS

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional) *N/A*

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

FROM DAM SAFETY FILES:

RESERVOIR SURFACE AREA = 5 ACRES

STORAGE CAPACITY = 25 AC-FT

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AUG 2 1997

H. REMARKS AND OVERLAP REVIEW ANALYSIS

LAKE CAPACITY OF 251,000 FT³. THE DAM IS DESIGNED TO ALLOW EXCESS WATER TO RETURN TO LOON CREEK VIA THE SPILLWAY LOCATED CLOSE TO LOON CREEK DIVERSION STRUCTURE. FOR POWER USE HEAD FOUND WAS 34 TO 37 FT. GENERATOR RATED AT 100 KW AND PRODUCES APPROX 65 KW. DISCHARGE FROM THE GENERATOR RETURNS TO LOON CREEK THROUGH A 100% TAIL RACE.

FOUND 9 ACRES IRRIGATION IN SAME Q/O BUT DIFF SYSTEM & P/D.

PHOTOS FOUND IN DAM SAFETY FILE.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
POWER	1-1	12-31	7.0 CFS	N/A
STORAGE FOR RECREATION	1-1	12-31	'	2.5
DEV TO STORAGE FOR RECREATION	10-15	5-1	7.0 CFS	
Totals:			7.0 CFS	2.5 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above

☒ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

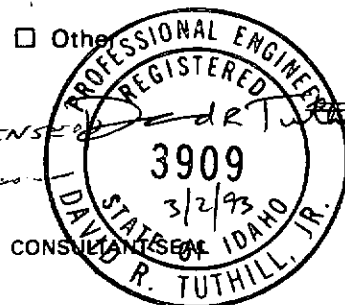
J. AUTHENTICATION

Field Examiner's Name MIKE STUBBLEFIELD KELLY K. CHRISTENSEN

Signature [Signature]

Certification Date

Field Report Preparation Date 12-20-88



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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AUG 20 1997

THEORETICAL

HEAD (H) = 37 FT (MAX)

34 FT (MIN)

GENERATOR RATED AT 100 KW

GENERATOR WILL PRODUCE $\approx$ 65 KW

EFFICIENCY = 65%

$$H_p = \frac{62.4 (Q) (H)}{550}$$

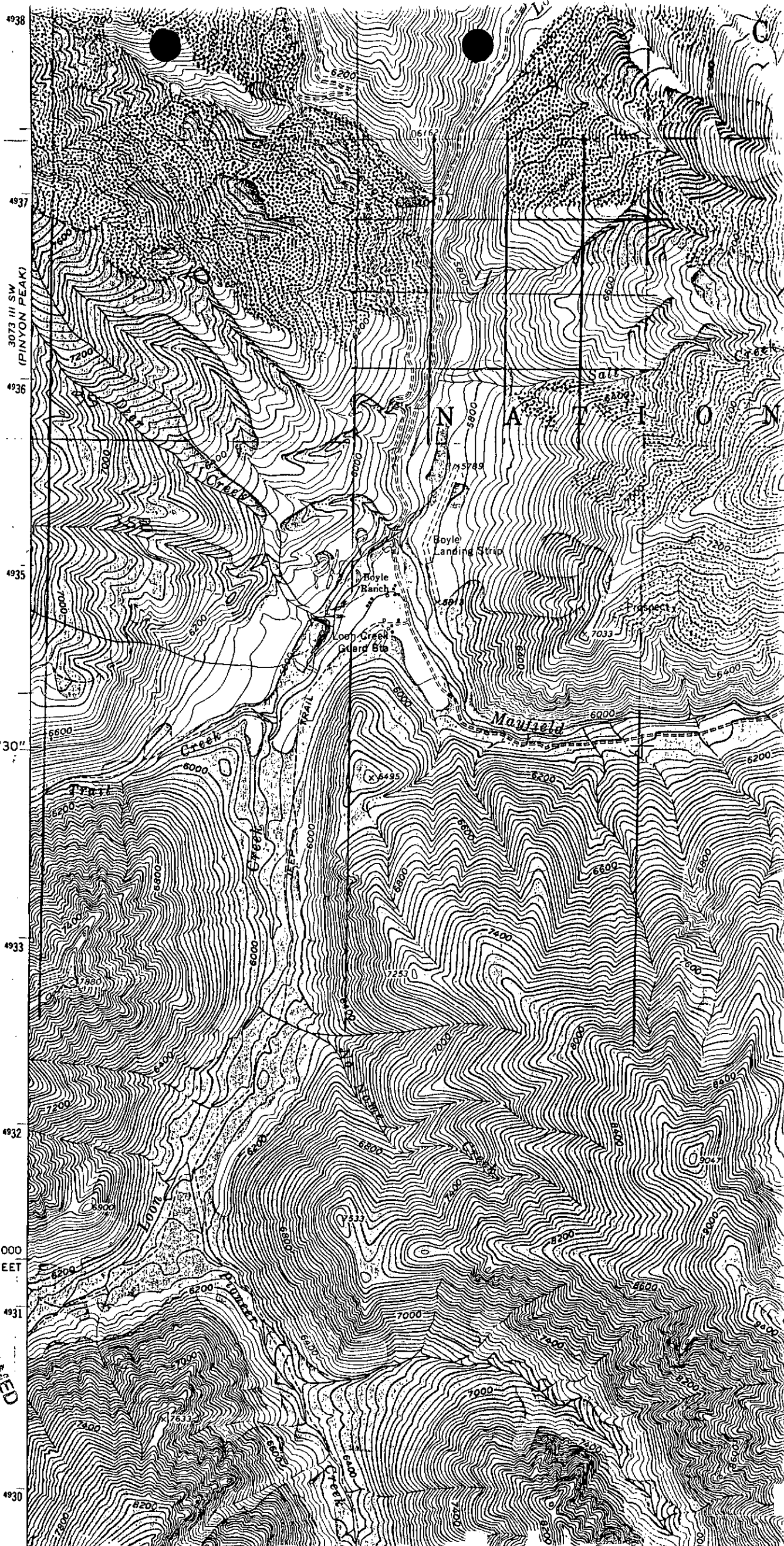
$$Q = \frac{H_p (550)}{62.4 (H)} = \frac{8.8 \text{ HP}}{(H)} = \frac{8.8 \text{ HP}}{37} = 238 \text{ HP}$$

$$1 \text{ HP} = .746 \text{ KW} \therefore 65 \text{ KW} = 87.13 \text{ HP}$$

$$Q = 238 (87.13) = \underline{\underline{20.74 \text{ CFS}}}$$

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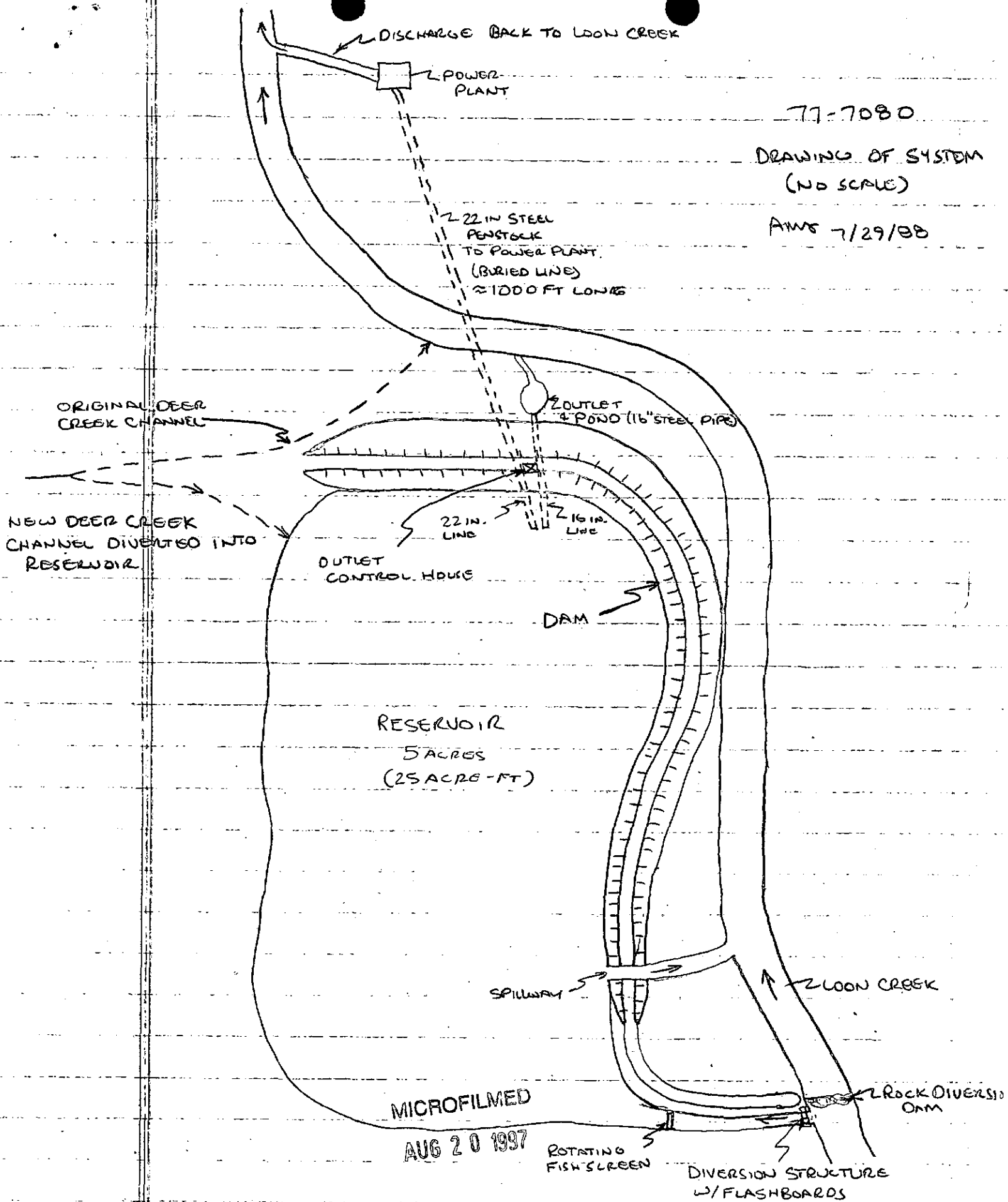
AUG 20 1997



map
T-70

T-14 N - R-13 E

NESE
Dec 15 1961
MICROFILMED
20 1961



MEMORANDUM

TO: Loren Holmes
FROM: Gary Spackman *Gary*
DATE: April 27, 1992

RE: Application for Permit to Appropriate Water No. 77-7080 in
the Name of Diamond D Ranch Partnership

Diamond D filed an application for permit in 1979 for power and recreational storage. They filed proof of beneficial use in 1984. They also paid an examination fee of \$250 in 1987. To date, the Department has not received a field examination.

We recently received an extension of time order from FERC, granting the Diamond D Ranch additional time to negotiate with the Forest Service regarding its power plant. The order raises a question whether the power component of the application has ever been developed. There is a note in the file which states that the power plant is already constructed. FERC's involvement may simply be a dispute over a portion of the power facility which may be located on federal lands.

This memo is a request for a field examination. I hope this is an enjoyable exam to conduct.

Enclosure

MICROFILMED

AUG 20 1997

4/85
RECEIVED
JUN 10 1987

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

KEYPUNCHED

For Office Use Only
Fee Received 250
Date 6/12/87
Receipt # 44945
Receipt by JA
Sent to S.O. EH

RECEIVED

JUN 25 1987

1. Permit No. 77-7080

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☐ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: DIAMOND D RANCH PARTNERSHIP

3. Post Office Address: Box 1, CLAYTON IDAHO 83227
Telephone No. (NO LOCAL) 313-773-5851 (TOM)
213-205-7614 (JACK)

4. Source of Water: LOON CREEK

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (acres) Other/Remark X

7.00 CFS = POWER / 25 AF RECREATION USE

6. Total rate &/or volume for which proof is submitted 7.00 cfs - 25 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

AUG. 10, 1980

8. Person to contact to accompany the department representative during the field examination:

TOM DEMOREST (@ DIAMOND D RANCH, BOX 1, CLAYTON, IDA. 83227)
(Name) (NO PHONE)

OR: 776 TROMBLEY RD., GROSSE POINTE, MICH. 48230 (313) 773-5851
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

6/5/87

John Demorest - Partner
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00 ✓
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

77-7080
DIAMOND D RANCH PARTNERSHIP
P.O. BOX 1
CLAYTON, ID 83227

138325

April 10, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED

AUG 20 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

OCTOBER 22, 1984

DIAMOND D RANCH PTR.
P.O. BOX 1
CLAYTON ID 83227

RE: Permit No. 77-7080

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

MICROFILMED
AUG 20 1997

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 77-7080.

Name(s) of Permit Holder: Diamond D Ranch Partnership

Post Office Address: P.O. Box 1
Clayton, Idaho 83227 Tel. No. N.A.

Source of Water: Loon Creek & Deer Creek

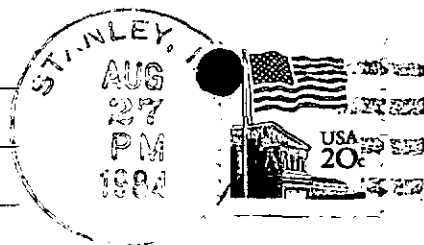
Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres).
☒ Other Hydro-Electric & Recreation

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No
 Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Aug 25, 1984
 Date

Thomas A. Hemmrich
 Gen. Part. Signature of Permit Holder



RECEIVED



AUG 28 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

Department of Water Resources
BOISE, IDAHO 83720

MICROFILMED

August 14, 1984

Tom Demorest
Diamond D Ranch, Inc.
P. O. Box 1
Clayton, ID. 83227

Dear Mr. Demorest:

Re: Permit No. 77-7080

Enclosed is the Statement of Beneficial Use postcard submitted to this office on August 6, 1984.

Please be advised that the permit is in the name of Diamond D. Ranch Partnership and not Diamond D Ranch, Inc. Since there is a definite distinction between the two names indicated in the file, I am returning the proof card for correction. Note that the postcard is due on September 1, 1984. For your convenience, I'm enclosing a blank form.

If you have any questions concerning your permit, please feel free to contact me at 334-4290.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138966

DIAMOND D RANCH PARTNERSHIP
P.O. BOX 1
CLAYTON, ID 83227

138967

Tom Demorest
P.O. Box 36005
Grosse Pointe, MI 48236

PROOF DUE NOTICE

JUNE 30, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 77-7080 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

Tom Demarest

Phone message
to Robin

P.O. Box 36005

~~Rosep~~

Grosse Pointe, Mich.

48236

check on assignment:

& new app.

77-7080

June 20, 1983

Thomas A. Demorest
P. O. Box 36005
Grosse Pointe, Michigan 48236

Re: Water Right No. 77-7080 and 77-7192

Dear Tom:

After talking with you by telephone I checked both of these files and concluded the easiest solution is to assign both files to either the corporation, which is licensed to do business in Idaho, or to the individual partner who lives in Idaho.

I have enclosed an assignment form for each file and an affidavit to establish residence which should be completed by whomever the filings are assigned to. When these documents are returned we will continue to process your new application (77-7192).

Please call if you have questions.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Encl:

May 24, 1983

Diamond D Ranch Partnership
Box 1
Clayton, ID 83227

RE: Permit No. 77-7080

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permit to you. Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

The 1981 Idaho Legislature made a change in Section 42--205, Idaho Code, that affects the permit. The change requires that if a proposed hydropower project will use existing irrigation facilities, the approval of the owner of the facilities must be obtained.

Please complete the enclosed affidavit, sign it before a notary, and return it to this office at your earliest convenience, no later than June 15, 1983.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:sc

Enclosures

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

October 16, 1979

Tom Reinecker
Regional Supervisor
Dept. of Fish and Game
1515 Lincoln Road
Idaho Falls, ID 83401

RE: 77-7080

Dear Tom:

The Department of Water Resources approved the diversion and storage permit for Diamond D Ranch, Inc. on September 19, 1979. At the end of the period for protest no objections had been received and by law, the application was approved.

We recommend you contact the applicant and notify them of the fish passage and screening provisions regulated by your Department. At the same time request any detailed information you require.

It may be of interest to note that after the reservoir is full the water released for power generation will dump back into the stream. This would maintain the flow downstream and should prevent any detrimental effects to the fish propagation and in a short water year could add water to the system.

Under the Dam Safety Act this Department will inspect the dam during and after construction and has required slope stabilization on the stream side to prevent erosion into the channel.

We regret your letter was not received in time to evaluate prior to approving the permit.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:kw

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 6
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

October 2, 1979

Mr. David B. Shaw
Western Regional Supervisor
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

RECEIVED
OCT 4 1979

Dear Mr. Shaw:

Re: Appl. No. 77-7080
Diamond D. Ranch, Inc.

Department of Water Resources
Western Regional Office

Department of Fish and Game personnel have reviewed the above-referenced application to divert water from Loon and Deer Creeks for power production and storage for recreation.

Loon Creek is a very important anadromous fish stream in the Middle Fork Salmon River drainage. The current status of both the chinook salmon and steelhead trout populations is poor. Current policy direction is to manage these fish populations as pure wild stocks. Therefore, it is imperative that any and all deleterious effects be avoided.

The project as proposed would be detrimental to the fish populations in Loon Creek and we feel would not be favorable to the public interest. Juvenile salmon and steelhead, in addition to important resident fish, would be diverted from the stream. Idaho Code 36-906(b) requires that diversions, such as proposed, be equipped with a screen to prevent fish from entering. Also, upstream passage of adult salmon and steelhead and resident fish must be maintained. The applicant did not provide enough detail on the proposal to allow us to determine the extent of the impacts.

In our opinion, recreational benefits from a pond in this area would be very small compared to the very large values of the public resources. Therefore, we recommend that this application be denied.

Sincerely,

DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

Tom Reinecker

Tom Reinecker, Regional Supervisor
Region 6

cc: US Fish & Wildlife Service
Bureau of Program Coordination
Bureau of Fisheries
K. Ball

EQUAL OPPORTUNITY EMPLOYER

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

September 19, 1979

Diamond D Ranch, Inc.
P.O. Box 1
Clayton, Idaho 83227

Dear Sirs,

RE: Permit No. 77-7080

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

RECEIVED
SEP 20 1979

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Clw Bryan

APPLICATION NUMBER: 77-7080
DIAMOND D RANCH

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☒ Yes ☐ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☒ Idaho Fish and Game Department. SK 8/27/79
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. N/A
☒ Yes ☐ No* In form for advertising. 9/17/79
Final date for protests: 9/17/79
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

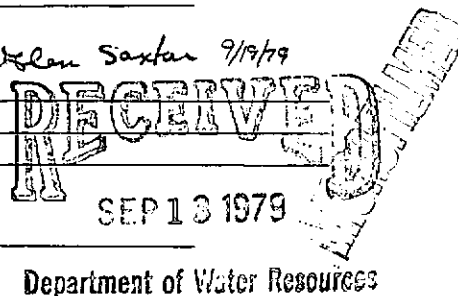
- ☒ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
8/20/79 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: DBS Date: 9/18/79

STATE OFFICE REVIEW:

- 01 - waived because of remote location as recommended by Helen Saxton 9/19/79
13 - Thank letter w/ measuring device
Send receipt w/ approved application
☐ See attached sheet for more information.

By: Jim Date: 9/19/79



Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 384-2190

AUGUST 23, 1979

The Challis Messenger
P.O. Box 97
Challis, ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 17, 1979.

Yours truly,

Karla Knecht
Secretary

Encl.

11/20/1979

ZZ-2080-

DIAMOND D. RANCH, INC.

P.O. BOX 1, CLAYTON, ID 83227

Source: LOON CREEK tributary to SALMON RIVER, MIDDLE FORK
DEER CREEK tributary to SALMON RIVER, MIDDLE FORK

Date Filed: 08/21/1979

Amount: 7.00 CFS 25.0 AC-FT

Diversion Point: NESE Sec 15 T 14N R 13E, CUSTER Co.

Use: POWER	(7.00 CFS)	from 01/01 to 12/31
DIVERSION TO STORAGE	(7.00 CFS)	from 10/15 to 05/01
RECREATION STORAGE	(25.0 AC-FT)	from 01/01 to 12/31

Place of Use: NESE SESE Sec 15 T 14N R 13E

Diversion Means: CONCRETE HEADGATE INTO OPEN DITCH.

MICROFILMED